

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LUCIOUS WEATHERSPOON §
VS. § CIVIL ACTION NO. 1:08cv210
R. SEGURA §

MEMORANDUM ORDER REGARDING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Lucious Weatherspoon, an inmate confined at the Stiles Unit, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED** to the extent it recommended dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So ORDERED and SIGNED this 29 day of June, 2008.



Ron Clark, United States District Judge

¹ On June 18, 2008, petitioner filed a motion to voluntarily dismiss the petition. As the respondent has not been served, petitioner's motion is granted. See FED. R. CIV. P. 41(a).

